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December 24, 1997

Via Federal Express

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37238

Re: Application of Electric Power Board of Chattanooga
for a Certificate of Public Convenience and Necessity — Docket No. 97-07488

Dear Mr. Waddell:

We are enclosing for filing an original and thirteen (13) copies of the Objection of Electric Power Board of Chattanooga to Petition of Tennessee Power Company for Leave to Intervene and Alternative Motion to Limit Participation.

Thank you for your assistance in this matter.

Sincerely,


Carlos C. Smith
For the Firm

CCS:cbm
75253

Enclosures

cc : Dennis McNamee, Esquire
Parties of Record
Mr. Harold E. DePriest
Mr. Ronald N. Fugatt

REC'D TN
REGULATORY AUTH.
97 DEC 29 PM 10 57
OFFICE OF THE
EXECUTIVE SECRETARY

BEFORE THE
TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

REC'D TN
REGULATORY AUTH.
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OFFICE OF THE
EXECUTIVE SECRETARY

IN RE:

APPLICATION OF ELECTRIC)
POWER BOARD OF CHATTANOOGA)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
TO PROVIDE INTRASTATE)
TELECOMMUNICATIONS SERVICES)

Docket No. 97-07488

OBJECTION OF ELECTRIC POWER BOARD OF CHATTANOOGA TO
PETITION OF TENNESSEE POWER COMPANY FOR LEAVE TO INTERVENE AND
ALTERNATIVE MOTION TO LIMIT PARTICIPATION

Comes the Electric Power Board of Chattanooga ("EPB"), by and through counsel, and submits the following objection to the Petition of Tennessee Power Company for Leave to Intervene (the "Petition"), and, pursuant to *Tennessee Code Annotated* § 4-5-310(c), moves the Tennessee Regulatory Authority (the "Authority") in the alternative to impose conditions upon the participation of Tennessee Power Company ("TPCO") in this proceeding. In support of this response, EPB would show:

1. On or about December 19, 1997, TPCO filed the Petition with the Authority.

2. The Petition raises numerous issues that are beyond the scope of the issues to be addressed in this certification proceeding, including the development of competitive markets for the retail sale of electricity, the role of the Tennessee Valley Authority as wholesale supplier of electricity to most of the State of Tennessee, and the decision of the General Assembly of the State of Tennessee to authorize municipal electric systems to provide telecommunications services.

3. According to its Petition, TPCO is engaged in the business of brokering and marketing electric power. TPCO does not aver that it has any interest in providing telecommunications services in the Chattanooga area in the foreseeable future. Accordingly, TPCO has not stated any facts demonstrating that its rights, duties, privileges, immunities or other legal interest may be determined in this proceeding and to grant TPCO's intervention would impair the orderly and proper conduct of these proceedings.

4. In the alternative, should the Authority find that the Petition of TPCO satisfies the requirements of *Tennessee Code Annotated* § 4-5-310, EPB would move the Authority to limit TPCO's participation to the issues before the Authority in this proceeding, which are whether, in accordance with *Tennessee Code Annotated* § 65-4-201(c)(1), EPB has demonstrated that it will adhere to all applicable policies, rules and orders of the Authority; whether, in accordance with *Tennessee Code Annotated* § 65-4-201(c)(2), EPB possesses sufficient managerial, financial and technical abilities to provide the applied-for services; and whether the small and minority-owned telecommunications business participation plan attached to EPB's Application satisfies the requirements of *Tennessee Code Annotated* § 65-4-212.

WHEREFORE, EPB prays that the Authority deny the Petition or, in the alternative, that the Authority limit the participation of TPCO to the issues identified in Paragraph 4 hereof.

Respectfully submitted,

STRANG, FLETCHER, CARRIGER,
WALKER, HODGE & SMITH, PLLC

By: 

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and exact copy of the within and foregoing pleading on behalf of the Electric Power Board of Chattanooga, via United States mail, first class postage prepared and properly addressed to the following:

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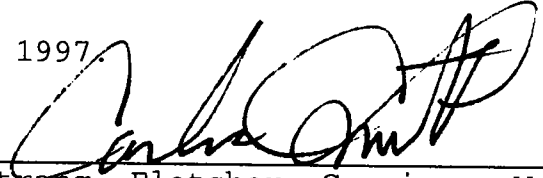
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This 24th day of December, 1997.



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